

DISCOVERY PLAN WORKSHEET	
Phase I (Pre-Settlement Discovery)	
Deadline for completion of Rule 26(a) initial disclosures: (HIPAA- compliant records authorizations are not applicable)	January 30, 2025
Completion date for Phase I Discovery as agreed upon by the parties: (Reciprocal and agreed upon document production and other discovery necessary for a reasoned consideration of settlement. Presumptively 60 days after Initial Conference.) (The Parties' agreed-upon Phase I discovery is attached as Appendix A)	March 17, 2025
Date for initial settlement conference: (Parties should propose a date approximately 10-15 days after the completion of Phase I Discovery, subject to the Court's availability)	April 1, 2025
Phase II (Rule 23 Discovery and Rule 23 Motion Practice)	
First requests for production of documents and for interrogatories due by:	April 16, 2025
All class-certification discovery completed by: (Presumptively 3.5 months post first requests for documents/interrogatories)	July 25, 2025
Deadline for Plaintiffs to File Motion for Rule 23 Class Certification and for Final Certification of the FLSA Collective (if applicable), and for Defendants to Move for Decertification of the FLSA Collective (if applicable) ("Certification Motions")	August 22, 2025
Phase III (Fact Discovery and Dispositive Motion Practice) (Deadlines to be set after an order on the Certification Motions ("Certification Order") is entered. The following dates approximate dates may need modification based on the outcome of the Certification Order.)	
Motion to join new parties or amend the pleadings:	15 days after an order on the Certification Order

First requests for production of documents and for interrogatories due by: <i>(Presumptively 15 days post joining/amending)</i>	15 days after the motion to join new parties
All fact discovery completed by: <i>(Presumptively 3.5 months post first requests for documents/interrogatories)</i>	120 days after the Certification Order
Exchange of expert reports completed by: <i>(Presumptively 30 days post fact discovery)</i>	30 days after the close of fact discovery
Expert depositions completed by: <i>(Presumptively 30 days post expert reports)</i>	30 days after expert reports are exchanged
COMPLETION OF ALL DISCOVERY BY: <i>(Presumptively 9 months after Initial Conference)</i>	30 days after the deadline for expert depositions
Final date to take first step in dispositive motion practice: <i>(Parties are directed to consult the District Judge's Individual Rules regarding such motion practice. Presumptively 30 days post completion of all discovery)</i>	30 days after the completion of all discovery
Do the parties wish to be referred to the EDNY's mediation program pursuant to Local Rule 83.8?	Not at this time

SO ORDERED

Hon. Steven L. Tiscione, U.S.M.J.

APPENDIX A

Phase I (Pre-Settlement Discovery)

Plaintiffs have agreed to produce the following:

1. The documents in Plaintiffs' possession, custody, or control that pertain to the unpaid wages claimed in the Complaint.
2. Plaintiffs' resumes, CV, or other documents setting forth the work experience while employed by Defendant.
3. Any additional documents or information Plaintiffs believe supports their claims and will aid the Parties' settlement discussions at the conclusion of Phase I.

Defendant has agreed to produce the following:

1. The number of "Putative Class Members" and "Putative Collective Members," which for purposes of Phase I discovery means all individuals who were employed by Costco as salaried "Junior Managers" at any time since October 23, 2017, at the Nesconset, Westbury, and Holbrook stores in one of the following titles:
 - a. Assistant Front End Manager
 - b. Assistant Receiving Manager
 - c. Center Manager (aka Center Merchandising Manager)
 - d. Foods Manager
 - e. Food Court Manager
 - f. Hardlines Manager (aka Hardlines Merchandising Manager)
 - g. Membership Manager
 - h. Night Floor Manager (aka Night Merchandising Manager)
 - i. Tire Center Manager
2. The number of pay periods per Putative Class or Collective Member as defined in paragraph 1, along with the average pay rate, and scheduled hours. Defendant need not identify any such individual by name or other identifying information.
3. Weekly records reflecting the hours worked and pay history for the Named Plaintiffs and Opt-In Plaintiffs (to date).
4. Complete personnel files for the Named Plaintiffs and Opt-In Plaintiffs (to date).
5. Any additional documents or information Defendant believes supports its defenses and aid the Parties' settlement discussions at the conclusion of Phase I.